

# Legal Assistance Resource Center ❖ of Connecticut, Inc. ❖

44 Capitol Avenue, Suite 301 ❖ Hartford, Connecticut 06106  
(860) 278-5688 x203 ❖ cell (860) 836-6355 ❖ fax (860) 278-2957 ❖ RPodolsky@LARCC.org

## **H.B. 5035 -- Protection of tenant possessions after eviction**

Planning and Development Committee public hearing -- February 22, 2012

Testimony of Raphael L. Podolsky

<b>Recommended Committee action: DELETION OF SECTIONS 6 AND 7</b>
---

We urge the Committee to remove Sections 6 and 7 from the bill and thereby leave the status quo intact. Making the changes contained in those sections will create no more than minimal savings for municipalities but will undo compromise legislation from just two years ago that sought to balance the needs of landlords, tenants, and municipalities. It will destabilize that balance in an unfair way.

For over 100 years, municipalities have played a critical role, as part of their constitutional "police powers," in protecting tenant property after an eviction by picking up the property and storing it. This Connecticut policy recognized the unlikelihood that a tenant would be able to get property back unless it was controlled by a neutral entity and that direct contact between landlord and tenant invited violence and breaches of the peace. The cost of removal and storage was a liability of the tenant; and the municipality could, if it wished, require payment by the tenant before release of the property. In 2010, as an accommodation to municipalities, the General Assembly, reluctantly and with reluctant acceptance by landlord and tenant representatives, accepted a compromise by which the landlord, through a state marshal, would assume responsibility for moving the possessions to town-designated storage; the town would continue to be responsible for storage and disposition of goods; and the tenant would continue to reclaim his or her property through the town.

It turned out, however, that the "privatization" of this century-old municipal responsibility for moving the property has imposed more costs on landlords than anticipated. Sections 6 and 7 of H.B. 5035 would now allow the town to add further costs by billing the landlord for storage and auction. As tenant representatives, we think that this is not a good idea.

There is a delicate balance between landlord and tenant interests that the legal services programs, as representatives of tenants, have attempted to maintain. Sections 6 and 7 undermine that balance by imposing costs on landlords which, when considered in conjunction with the unexpected costs added two years ago, are not reasonable. Never in the 100-plus year history of this statute have towns been allowed to charge the landlord rather than the tenant.

There are times when it is best to leave things alone. We believe that this is one of them. We therefore urge you to remove Sections 6 and 7 from the bill.